

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

Kris Daniel Roglieri

Debtor.

Chapter 7
Case No.: 24-10157

**STIPULATION AND ORDER REGARDING FIRST AND FINAL FEE APPLICATION
OF PASHMAN STEIN WALDER HAYDEN, P.C.**

UPON, the filing of the First and Final Fee Application of Pashman Stein Walder Hayden, P.C. (“Fee Application”), counsel for debtor Kris Daniel Roglieri, (ECF 206), and the Amended Notice of Hearing of First and Final Application of Pashman Stein Walder Hayden, P.C. (ECF 209); and further

UPON, the Chapter 7 Trustee’s Objection to the Fee Application (“Objection”) (ECF 214) filed July 3, 2024; and further

UPON, the United States Trustee having conferred with the Applicant regarding potential objections the United States Trustee intended to raise in an objection to the Fee Application if a written objection were filed; and further

UPON, the United States Trustee, the Chapter 7 Trustee, and the Applicant having

conferred regarding said objections, and the Applicant having asserted its position in support of the Fee Application; and further

UPON, the parties hereto desiring to resolve the objections to the Fee Application without the need for unnecessary and costly litigation, and in order to preserve scarce bankruptcy estate and judicial resources; and further

UPON the agreement of the parties to request that the Court “so order” this stipulation as follows, it is hereby:

ORDERED, that the Fee Application is GRANTED in part and DENIED in part as set forth herein; and it is further,

ORDERED, that, pursuant to 11 U.S.C. § 330(a), the Applicant is allowed an administrative claim in the above-captioned case in the amount of \$50,000 for actual, reasonable and necessary legal services provided during the chapter 11 case, plus \$4,934.84 for actual, reasonable and necessary expenses incurred by Applicant; and it is further,

ORDERED, that the Chapter 7 Trustee shall pay the Applicant the amounts awarded pursuant to this Order in the ordinary course of the Chapter 7 Trustee’s administration of the case after the filing of the trustee’s final report (or interim final report, if applicable) and adjudication of all final fee applications; and it is further

ORDERED, that in the event the estate is administratively insolvent at the time the Chapter 7 Trustee completes his administration of the bankruptcy estate, the amounts awarded pursuant to this Order shall be paid *pari passu* with other creditors in the same class pursuant to 11 U.S.C. § 503(b)(2) in the ordinary course of the Chapter 7 Trustee’s administration of the

case after the filing of the trustee's final report (or interim final report, if applicable) and adjudication of all final fee applications; and it is further

ORDERED, that \$329,353 (representing the balance of the fees requested by the Applicant) is awarded, however said amount shall not be treated as an administrative claim, but rather said amount shall be allowed and treated as an unsecured claim to be paid *pari passu* with all other unsecured claims in the case in the ordinary course of the Chapter 7 Trustee's administration of the case after the filing of the trustee's final report (or interim final report, if applicable) and adjudication of all final fee applications.

Dated: 10/17, 2024

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE

By: Lisa M. Penpraze, Esq.
Assistant United States Trustee

Dated: 10/17, 2024

Christian H. Dribusch
Christian H. Dribusch, Esq.
Chapter 7 Trustee

Dated: 10/17, 2024

Joseph C. Barsalona, II, Esq.
Pashman Stein Walder Hayden, P.C.

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